IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928.

WP(C).No. 363 of 2007(R)

PETITIONER:

JAYASREE, AGED 40 YEARS,
W/O.GOPALAN, R/AT SABIRA QUARTERS,
NEAR DINESH BEEDI COMPANY, KOLAVAYAL,
AJANUR VILLAGE, KASARAGOD.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:
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1. NAYAKARILLATH MUHAMED,
S/O.LATE ABBAS, RAHMANIYA MANZIL
MANIKKOTH, AJANUR VILLAGE,
P.O.MANIKKOTH, KASARAGOD.

2. S.I. OF POLICE, HOSDURG.

3. SUPERINTENDENT OF POLICE,
KASARAGOD.

4. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, MINISTRY OF HOME AFFAIRS,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

R2 TO R4 BY GOVT. PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & K.P.BALACHANDRAN, JJ.

W.P.(C).NO. 363 OF 2007 – R

Dated this the 3rd day of January, 2007

J U D G M E N T

Ramachandran, J.

Records indicate that there has been a delivery of the property formerly in possession of the tenant/the petitioner herein.

2. Sri.Sreedharan, counsel appearing for the petitioner submits that they were unreliable and an application under Section 151 of the Code of Civil Procedure in E.P.No.221 of 2006 in R.C.P.No.8 of 2004 has been filed before the Munsiff's Court, Hosdurg along with an application under Order XXI Rule 35(3) of the Code of Civil Procedure for appropriate reliefs. The same has been returned, according to him, and presently, the Police is interfering so as to disturb her continued possession. There is no other remedy available as the client maintains that there has not been any change of possession. Therefore, the police requires to be interdicted.

3. In exercise of jurisdiction under Articles 226 and 227 of the Constitution of India, it may not be possible to examine any such contentions here and we are constrained to dismiss the writ petition. Simultaneously, we observe that dismissal of this writ petition will not prejudice the rights of the petitioner to move appropriately as law permits.

The writ petition is dismissed.

M. Ramachandran, Judge

K.P.Balachandran, Judge

Mbs/

M. RAMACHANDRAN &
A.K.BASHEER, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006